Ecuador

Incidence and Nature of Child Labor

An estimated 15.4 percent of children ages 5 to 14 years were counted as working in Ecuador in 2001, the most recent data available. Approximately 19 percent of all boys 5 to 14 were working compared to 11.7 percent of girls in the same age group. The majority of working children were found in the agricultural sector (67.5 percent), followed by services (20.9 percent), manufacturing (9.7 percent) and other sectors (1.9 percent). A large percentage of working children between the ages of 5 and 17 are found in rural areas of the *sierra*, or highlands, followed by the Amazon and urban coastal areas. In rural areas, young children are often found performing unpaid agricultural labor for their families. Children as young as 8 years of age have been found working on banana plantations under unsafe working conditions. Children also work long hours under hazardous conditions in the cut-flower sector. Most working children can be found in the informal sector. In urban areas, children work in commerce and services as messengers and domestics. Others work in construction and as trash pickers. Many urban children under 12 years of age work shining shoes, selling, and begging on the streets. Child labor is one of many problems associated with poverty. In 1998, the most recent year for which data are available, 17.7 percent of the population in Ecuador were living on less than USD 1 a day.

The commercial sexual exploitation of children occurs in Ecuador. ¹⁵⁴⁷ ILO-IPEC estimated that there were 5,200 girls and adolescents in situations of sexual exploitation in 2002, the most recent year for which

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¹⁵³⁷ UCW Analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Please see the "Data Sources and Definitions" section for information about sources used. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section.

¹⁵³⁸ ILO-IPEC, "INDEC, Mintrabajo e INFFA presentan resultados preliminares de Encuesta Nacional: 38.6% de niños y niñas entre 5 y 17 años trabajan en el area rural de Ecuador," *Boletín Encuentros* no. 2 (December 2001 - February 2002); available from http://www.oit.org.pe/ipec/boletin/noticias/vernoticia,36.php. The provinces with the highest percentage of working children are Bolivar, Chimborazo and Cotopaxi. See National Committee for the Progressive Eradication of Child Labor, *Plan Nacional para la Erradicación Progresiva del Trabajo Infantil* 2003-2006, Quito, November, 2002.

¹⁵³⁹ U.S. Department of State, *Country Reports on Human Rights Practices*- 2004: *Ecuador*, Washington, DC, February 28, 2005, Section 6d; available from http://www.state.gov/g/drl/rls/hrrpt/2004/41759.htm.

¹⁵⁴⁰ ILO-IPEC, Supporting the Time-Bound Program for the Elimination of the Worst Forms of Child Labor in Ecuador, Project Document, ECU/03/P50/USA, Geneva, August, 2003. See also Human Rights Watch, Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador's Banana Plantations, 2002, October 12, 2005; available from http://www.hrw.org/reports/2002/ecuador/.

¹⁵⁴¹ ILO-IPEC, *Ecuador Time-Bound Program*, cover page, 7-8. See also ILO-IPEC, *Ecuador Child Labour in Flower Plantations: A Rapid Assessment*, Geneva, April, 2000; available from http://www.ilo.org/public/english/standards/ipec/simpoc/ra/index.htm. ¹⁵⁴² U.S. Embassy- Quito, *reporting*, September 25, 2001

¹⁵⁴³ U.S. Department of State, Country Reports-2004: Ecuador, Section 6d.

¹⁵⁴⁴ INNFA, Con festival se firmo acuerdo nacional en favor de niñas y niñnos, [online] June 1, 2005 [cited June 16, 2005]; available from http://www.innfa.org/noticia_pr/noticia5.htm. See also U.S. Embassy- Quito, reporting, January 13, 2005.

¹⁵⁴⁵ U.S. Embassy- Quito, reporting, December 17, 2004.

¹⁵⁴⁶ World Bank, World Development Indicators 2005 [CD-ROM], Washington, DC, 2005.

¹⁵⁴⁷ U.S. Department of State, *Country Reports-2004*: *Ecuador*. See also ECPAT International, *Ecuador*, [online] 2003 [cited June 30, 2005]; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

statistics are available.¹⁵⁴⁸ Ecuador is a source, transit and destination country for trafficking in persons, and many victims are children trafficked for sexual exploitation. Ecuadorians are trafficked to Spain and Italy among other Western Europe countries. Victims are also trafficked to Colombia and Venezuela. Colombian women and girls are trafficked to Ecuador for exploitation in prostitution. However, most victims are trafficked within the country's borders.¹⁵⁴⁹

The Constitution requires the government to provide free education to all children through secondary school. Children are required to attend 9 years of school to achieve a basic level of education. Children in situations of extreme poverty shall be provided with services and subsidies specific to their needs. The government has rarely enforced this requirement due to the lack of schools and inadequate resources in many rural communities. Families often face significant additional education-related expenses such as fees and transportation costs. Inequitable classroom coverage with respect to primary and secondary levels in rural and impoverished areas, poor teaching quality, sparse teaching materials, a short school day and the inefficient distribution of human, financial, and teaching resources are also problems within the educational system. In 2002, the gross primary enrollment rate was 117 percent, and the net primary enrollment rate was 100 percent. Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 2001, 89.8 percent of children ages 5 to 14 were attending school. As of 2001, 74 percent of children who started primary school were likely to reach grade 5. Primary school attendance statistics are not available for Ecuador.

Child Labor Laws and Enforcement

The Childhood and Adolescence Code sets the minimum age for employment at 15 years (including for domestic service), provides a framework for children and adolescents' rights, and identifies categories of dangerous work that are prohibited for minors. The regulations in the Code do not apply to children involved in formative cultural or ancestral practices as long as they are not exposed to physical or

http://www.state.gov/g/tip/rls/tiprpt/2006/65988.htm. See also The Protection Project, *Ecuador*, 2005; available from http://www.protectionproject.org/left2.htm.

¹⁵⁵³ IDB, Ecuador Social Sector Reform Program: Loan Proposal, 1466/OC-EC (EC-0216), June 25, 2003, 8; available from http://www.iadb.org/exr/doc98/apr/ec1466e.pdf.

¹⁵⁵⁵ UCW Analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*. ¹⁵⁵⁶ UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55 (School life expectancy, % of repeaters, survival rates; accessed December 2005).

¹⁵⁵⁷This statistic is not available from the data sources that are used in this report. Please see the "Data Sources and Definitions" section information about sources used.

¹⁵⁵⁸ Government of Ecuador, *Código de la Niñez y Adolescencia*, N 2002-100, (January 3, 2003), articles 81-95; available from http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/boletin/documentos/cna.doc.

¹⁵⁴⁸ This investigation was conducted through field surveys of 415 girls and adolescents in Guayaquil, Quito, and Machala, 3 of the 4 largest cities in Ecuador. See Mariana Sandoval Laverde, *Magnitude, Characteristics and Environment of Sexual Exploitation of Girls and Adolescents in Ecuador*, ILO-IPEC, Quito, October, 2002, Executive Summary, 3.

¹⁵⁴⁹ U.S. Department of State, *Trafficking in Persons Report*, June 5, 2005; available from

The Ecuadorian National Assembly, *Constitución Política de Ecuador*, [online] 1998 [cited June 30, 2005], article 67; available from http://www.georgetown.edu/pdba/Constitutions/Ecuador/ecuador98.html. See also U.S. Department of State, *Country Reports*-2004: *Ecuador*, section 5.

¹⁵⁵¹ U.S. Department of State, Country Reports-2004: Ecuador, section 5.

¹⁵⁵² U.S. Embassy- Quito, *reporting*, September 25, 2001.

¹⁵⁵⁴ UNESCO Institute for Statistics, http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51 (Gross and Net Enrolment Ratios, Primary; accessed December 2005). For an explanation of gross primary enrollment rates that are greater than 100 percent, please see the definition of gross primary enrollment rates in the "Data Sources and Definitions" section of this report.

psychological harm.¹⁵⁵⁹ The Childhood and Adolescence Code prohibits adolescents from working more than 6 hours per day or more than 5 days per week.¹⁵⁶⁰ The Code also prohibits adolescents from working in mines, garbage dumps, slaughterhouses, and quarries, and from working with hazardous materials or in jobs that could be hazardous to the child's physical or mental health.¹⁵⁶¹ The Ministry of Labor provides work authorization for adolescents between the ages of 15 and 18 years.¹⁵⁶²

The Labor Code has not been updated to reflect Ecuador's adoption of ILO Conventions 138 and 182. However, the Childhood and Adolescence Code, which has been adapted to reflect Ecuador's adoption of ILO Conventions 138 and 182, supersedes provisions in the Labor Code that allowed children under 15 to work aboard fishing vessels with special permission from the court, during school vacation, and as long as the work is not likely to harm their health and moral development. The Childhood and Adolescence Code prescribes sanctions for violations of child labor laws, such as monetary fines and the closing of establishments where child labor occurs. More than 2 years after the creation of the Childhood and Adolescence Code, the Government of Ecuador has not issued implementing regulations as required by law. The Childhood and Adolescence Code, the Government of Ecuador has not issued implementing regulations as required by law.

The worst forms of child labor may be prosecuted under different statutes in Ecuador. The 1998 Constitution specifically calls for children in Ecuador to be protected in the workplace against economic exploitation, dangerous or unhealthy labor conditions, and conditions that hinder a minor's personal development or education. The Constitution also protects minors against trafficking, prostitution, pornography, and the forced use of illegal drugs and alcohol. Although adult prostitution is legal, 1567 the Penal Code prohibits the promotion and facilitation of prostitution and trafficking in persons for the purposes of prostitution. ¹⁵⁶⁸ In 2005, a reform in the Penal Code addressing sexual exploitation of children was approved. The reform specifically addresses the prohibition of trafficking in persons for sexual exploitation and for non-sexual purposes and defines trafficking and exploitation according to international standards. It punishes people involved in child prostitution regardless of the use of force, violence, threats, or the victim's consent. The penal code reform also raises the age of consent from 14 to 18. Trafficking in persons can carry up to a 35-year prison term. During this reporting period, Ecuadorian authorities arrested five persons for trafficking or trafficking related crimes. The GOE Victim and Witness Protection Program provided shelter and meals to the minors who were victims of these crimes in coordination with Hogar de la Madre / Our Youth Foundation. ¹⁵⁷⁰ In August 2004, the President of Ecuador issued a decree that established an inter-institutional committee to address trafficking in persons.

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¹⁵⁵⁹ Ibid., article 86.

¹⁵⁶⁰ Ibid., Article 84.

¹⁵⁶¹ Ibid., Article 87.

¹⁵⁶² U.S. Embassy official, electronic communication to USDOL Official, August 5, 2003.

¹⁵⁶³ See ILO-IPEC, *Ecuador*, Sistema Regional de Información sobre Trabajo Infantil, Instituto Nacional del Niño y la Familia [INNFA], and Cooperación Española, 1995, Article 137, 138 and 147. See U.S. Embassy official, electronic communication, August 5, 2003.

¹⁵⁶⁴ Código de la Niñez y Adolescencia, article 95.

Human Rights Watch, *Petition Regarding Ecuador's Eligibility for ATPA Designation*, online, September, 2005, 3; available from http://hrw.org/backgrounder/business/ecuador0905/ecuador0905.pdf.

¹⁵⁶⁶ The Ecuadorian National Assembly, Ecuadorian Constitution, Article 50.

¹⁵⁶⁷ U.S. Department of State, *Country Reports-2004: Ecuador*. The "business" must be registered with the government and the "employee" must receive regular medical exams. See U.S. Embassy- Quito, *reporting*, March 17, 2004.

¹⁵⁶⁸ The Protection Project, "Ecuador," in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery,* March 2002; available from

 $http://protection project.org/human_rights/countryreport/ecuador.htm.\\$

Ley Reformatoria al Codigo Penal que tipifica los delitos de explotacion sexual de los menores de edad; available from http://www.congreso.gov.ec/documentos/pro_aprobados/25-330.pdf, U.S. Embassy- Quito Official, e-mail communication to USDOL Official, September 30, 2005.

¹⁵⁷⁰ U.S. Department of State official, email communication to USDOL official, August 18, 2006.

The Minister of Government leads the committee's efforts to combat trafficking. The Constitution and the Law of Compulsory Military Service set the age of compulsory military service at 18 years. Since 1999, the Government of Ecuador has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 or Convention 138. 1573

No single government authority is responsible for the implementation of child labor laws and regulations prohibiting the worst forms of child labor. Public institutions charged with enforcing child labor laws include the Ministry of Labor, Ministry of Social Welfare, and Minors' Tribunals. The Specialized National Police Unit for Children (DINAPEN) responds to cases of child abuse and exploitation. The Ministry of Labor has created a Social Service Directorate to address the occurrence of child labor in the formal sector. However, most working children are found in the informal sector, where monitoring is difficult. In some instances, the Directorate has applied sanctions, but in others, it has merely helped to provide work authorization documents to child workers.

As of October 2005, the Ministry of Labor employed 13 child labor inspectors, with plans to hire additional inspectors in the near future. The Ministry has requested resources from the Ecuadorian Government for FY 2006 to cover the costs of inspectors' salaries, transportation and equipment.¹⁵⁷⁷

Child labor inspections in the banana sector are ongoing as stipulated in an official agreement to eradicate child labor (for children under the age of 15) from banana plantations, signed by the Ministry of Labor and Human Resources, the banana industry and various national and international organizations. The government created a Child Labor Inspection and Monitoring System to enforce the child labor-related legal provisions of the Labor Code and the Labor Inspection System. From August 2004 to April 2005, the Ministry of Labor conducted 1,811 inspections in which 124 children under 15 were found working and 1,166 adolescents from 15 to 18 were found working. Thirteen employers were fined within that time period. While the Ministry of Labor's Social Service Directorate monitored child labor in businesses such as factories, enforcement in most sectors of the economy remained limited. The service of the child labor in businesses such as factories, enforcement in most sectors of the economy remained limited.

 $^{^{1571}}$ U.S. Department of State, *Trafficking in Persons Report*.

¹⁵⁷² Coalition to Stop the Use of Child Soldiers, *Child Soldiers Report 2004-Ecuador*, 2004; available from http://www.child-soldiers.org/document_get.php?id=824.

¹⁵⁷³ ILO-IPEC official, email communication to USDOL official, November 14, 2005.

¹⁵⁷⁴ U.S. Embassy- Quito, reporting September 25, 2001.

¹⁵⁷⁵ U.S. Embassy- Quito, *repoting March* 17, 2004. DINAPEN is part of the National Police force and its 200 officers cover all crimes against children nation-wide. Between November 2004 and January 2005, DINAPEN rescued 49 minors who were possible victims of trafficking. See U.S. Embassy- Quito, *unclassified telegram no.* 224, January 27, 2005. See also U.S. Embassy- Quito, *repoting December* 14, 2004.

¹⁵⁷⁶ U.S. Embassy- Quito, reporting September 25, 2001. See Human Rights Watch, Comments Regarding Efforts by Ecuador to Eliminate the Worst Forms of Child Labor, 5.

¹⁵⁷⁷ U.S. Embassy- Quito Official, e-mail communication, September 30, 2005.

The agreement was signed in July 2002. See Hoy onLine, *Presentan plan para erradicar trabajo infantil*, April 6, 2004 [cited June 30, 2005]; available from http://www.hoy.com.ec/sf_noticia.asp?row_id=171394. See also U.S. Embassy official, electronic communication to USDOL official, May 21, 2004.

¹⁵⁷⁹ National Committee for the Progressive Eradication of Child Labor, *Plan Nacional*, 37-38.

¹⁵⁸⁰ U.S. Embassy- Quito, reporting August 26, 2005.

¹⁵⁸¹ U.S. Department of State, Country Reports- 2005: Ecuador, Section 6d.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government's National Council on Children and Adolescents is responsible for creating, planning and carrying out national policy on child and adolescent issues in Ecuador. ¹⁵⁸² In August 2004, the Council published the National 10-Year Plan for the Protection of Children and Adolescents. The policies outlined in the Plan serve as a framework for the design and implementation of regional and sectoral projects over a 10-year period. Plan objectives include universal access to education, the promotion of children's rights, and the progressive elimination of

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 9/19/2000	✓
Ratified Convention 182 9/19/2000	✓
ILO-IPEC Member	✓
National Plan for Children	✓
National Child Labor Action Plan	✓
Sector Action Plan (Banana Sector)	✓

hazardous child labor. ¹⁵⁸³ In June 2005, the President of Ecuador signed a decree that declared the protection of minors a national priority, prioritizing 8 of the 29 policies outlined in the 10-Year Plan. ¹⁵⁸⁴

The Government of Ecuador, through CONEPTI, oversees its *National Plan for the Progressive Elimination of Child Labor* 2003-2006. As part of its commitment in ratifying ILO Convention No. 182 on the Worst Forms of Child Labor, the Government identified child work in mining, garbage dumps, construction, flower production, and banana production, as well as commercial sexual exploitation of children as priorities for progressive elimination. ¹⁵⁸⁶

A USDOL-funded 58-month Timebound Program, implemented by ILO-IPEC, complements the government's plan to eliminate the worst forms of child labor in the country. In addition, a USDOL-funded 4-year program, implemented by Catholic Relief Services, improves the access to and quality of basic education for working children and children at-risk of entering the labor force in the banana and cut-flower sectors. The second phase of a USDOL-funded ILO-IPEC regional program in Ecuador, Bolivia and Peru, which ended in early 2005, aimed to prevent and progressively eliminate child labor in small-scale traditional gold mining through awareness-raising and policy development, community development, and production of a child labor elimination model, which may also be implemented in other small-scale traditional mining communities.

The president spoke out against trafficking during the year and the Government of Ecuador signed an agreement with the Government of Colombia to combat the problem, in which both governments pledge

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¹⁵⁸² ILO-IPEC, Program to Prevent and Progressively Eliminate Child Labor in Small-scale Traditional Gold Mining in South America, technical progress report, LAR/00/05/050, Geneva, September 2, 2002, 2.

¹⁵⁸³ Technical Secretariat of the Social Protection Program National Child and Adolescent Council, *Plan Nacional Decenal de Protección Integral a la Niñez y Adolescencia*, August, 2004, 2-4, 9.

¹⁵⁸⁴ The 8 priority policies include: raising the awareness of families; providing children with free and universal access to quality education and other public social services; guaranteeing children protection against abuse, trafficking in persons, and sexual exploitation; and encouraging adolescents to become participatory citizens within their communities. Presidencia de la República, *Presidente Palacio declara política de Estado la Protección de la Niñez y Adolescencia*, [online] May 31, 2005 [cited June 2, 2005]; available from http://www.presidencia.gov.ec/imprimir_noticia.asp?noid=5002.

¹⁵⁸⁵ National Committee for the Progressive Eradication of Child Labor, *Plan Nacional*. The Ministry of Labor 2003 budget allocated USD 300,000 to implement the National Plan. See U.S. Embassy- Quito, *reporting*, July 31, 2003.

¹⁵⁸⁶ ILO-IPEC, Ecuador Time-Bound Program, 6.

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¹⁵⁸⁸ U.S. Department of Labor, *ILAB Technical Cooperation Project Summary: Combating the Worst Forms of Child Labor through Education in Ecuador*, 2004.

¹⁵⁸⁹ See ILO-IPEC, Prevention and Progressive Elimination of Child Labor in Small-scale Traditional Gold Mining in South America (Phase II), project document, RLA/02/P50/USA, Geneva, September 30, 2002, pages 23 and 26.

to establish mechanisms of cooperation and exchange of information. The National Institute for Children and Family (INNFA), headed by the First Lady, began efforts to spread awareness of trafficking in persons. The government also reached agreements with several private companies to include anti-trafficking messages at public theaters, through fliers distributed with bank and credit card statements, and on local air flights.¹⁵⁹⁰

INNFA also implements several educational programs for working children. One program reintegrates working children and adolescents from the ages of 8 to 15 into the school system so that they may complete the basic education cycle. Another program provides vocational training and alternative recreational activities to working children between the ages of 8 and 17 years, as well as offering sensitivity training to parents. For adolescents ages 10 to 17 years who have not completed primary schooling and are more than 3 years behind, INNFA offers an accelerated learning program to help them complete the equivalent of basic education. ¹⁵⁹¹ INNFA also heads a forum comprised of representatives from the public and private sector that meets to discuss the political, social and legislative aspects of the sexual exploitation of minors and to generate policies and programs to address the issue. ¹⁵⁹²

Through its Social Protection Program (PPS), the Government coordinates national social policy, supports its implementation, and develops strategies for joining public/private forces and optimizing the impact of social sector development. Through the PPS, the Ministry of Social Development provides stipends (*Bono de Desarrollo Humano*) to at-risk and marginalized families to help reduce poverty. ¹⁵⁹³ In part, the stipend targets families of children ages 6 to 16 years, and the stipend is conditional on yearly health visits and school attendance. ¹⁵⁹⁴

The Government's Nutritional Education project, with support from the European Commission, contributes to improving the nutritional status of children of families attended by the PPS. The Central Bank of Ecuador runs the Child Worker Program, which, in part, provides working children with scholarships that pay school expenses. In turn, the children are required to participate in after school training programs. A USD 200 million IDB loan for a Social Sector Reform Program supports the government's Social Protection Program. Program.

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¹⁵⁹⁰ U.S. Department of State, *Trafficking in Persons Report*, June 5, 2006.

National Child and Family Institute (INNFA), *Proyectos*, [online] 2003 [cited May 21, 2004]; available from http://www.innfa.org/paginas/programas/programa_%20trabajador/programa_nino_trabajador.htm. INNFA spends approximately USD 3.5 million per year on these programs. See U.S. Embassy- Quito, *reporting July 1*, 2003.

¹⁵⁹² The roundtable is called La Mesa de Concertación Permanente contra la Explotación Sexual. INNFA, *Explotación Sexual*, [online] [cited June 30, 2005]; available from

http://www.innfa.org/paginas/programas/accion%20ciudadana%20por%20la%20ternura/accion_ciudadana.htm.

The following entities participate in the PPS: The Ministries of Education and Culture, Public Health, Labor and Human Resources, Urban Development and Housing, Economy and Finance, and Social Development Secretariat as well as the Vice-president of the Republic. Programa de Protección Social, *El Bono Solidario Cambia desde Hoy*, [online] July 1, 2003 [cited June 30, 2005]; available from http://www.pps.gov.ec/bdh_723/html/modules.php?op=modload&name=News&file=article&sid=25.

1594 [bid. See also Programa de Protección Social, ¿Qué es corresponsabilidad en educación? [online] July 1, 2003 [cited June 30, 2005]; available from http://www.pps.gov.ec/bdh_723/html/modules.php?op=modload&name=News&file=article&sid=15.

1595 This program includes the government's Nutrition Program for school children between the ages of 5-14. Frente Social, *Proyecto de Educación Nutricional*, [online] [cited June 16, 2005]; available from

http://www.frentesocial.gov.ec/nutricion/index1.htm. By the end of 2003, the program had provided services to more than 1.6 million beneficiaries. See Frente Social, *Frente Social - Programas Prioritarios por Sectores*, [online] [cited June 30, 2005]; available from http://www.frentesocial.gov.ec/p_left_progra/p_left_progra.htm#Sector%20Educacion.

In addition, the Program funds alternative educational programs for youth and promotes children's rights. See U.S. Embassy-Quito, reporting July 1, 2003.

¹⁵⁹⁷ IDB, Ecuador Social Sector Reform, 17.